
From: Eleanor McManus <emcmanus@dggpllc.com>

Date: Wednesday, June 23, 2021 at 4:14 PM

To: Eleanor McManus <emcmanus@dggpllc.com>

Subject: Dmitry Firtash attorney contradicts members of Congress letter on Firtash

Please see below - response from Lanny J. Davis, attorney to Dmitry Firtash, responding to four members of Congress who wrote a letter to the Secretary of State and Attorney General about Dmitry Firtash. Attached is the full letter to the four members of Congress and a letter from Mr. Firtash's Austrian lawyer who conducted his defense in the Austrian public court proceeding on extradition.

"The assertion by these members of Congress that there was any corruption in the Austrian courts regarding Mr. Firtash's extradition is 100% false. These Representatives ignore the fact that the decision to deny the extradition of Mr. Firtash was made in a full day's public court hearing where all due process rules were followed, and both sides had the opportunity to present evidence. The judge then denied extradition in a written decision over 180 pages long. For members of Congress to ignore those facts and make a baseless accusation of corruption is not only regrettable, it is an insult to an Austrian democracy that follows the rule of law. Regarding Mr. Firtash, as my colleague Dan Webb, highly respected former Chicago U.S. Attorney, and I have already stated: we have long believed, based on the facts and the law, that the indictment against Mr. Firtash lacks sufficient alleged facts supporting any criminal offense by Mr. Firtash."

- Lanny J. Davis, U.S. counsel to Dmitry Firtash.

*DISSEMINATED BY DAVIS, GOLDBERG & GALPER PLLC, A REGISTERED FOREIGN AGENT, ON BEHALF OF DMITRY FIRTASH.
MORE INFORMATION IS ON FILE WITH THE DEPT OF JUSTICE, WASHINGTON DC.*

Davis | Goldberg | Galper

Eleanor S. McManus

Co-Founder & Partner

One Lafayette Centre

1120 20th Street NW

Suite 700 North

Washington, D.C. 20036

M: (202) 460-1451

www.dggpllc.com



June 23, 2021

BY EMAIL

The Honorable Marcy Kaptur
Co-Chair of the Congressional Ukraine Caucus
2186 Rayburn House Office Building
Washington, DC 20515
Steve Katich (Chief of Staff for Marcy Kaptur): steve.katich@mail.house.gov

The Honorable Andy Harris
Co-Chair of the Congressional Ukraine Caucus
2334 Rayburn House Office Building
Washington, DC 20515
Bryan Shuy (Chief of Staff for Andy Harris): bryan.shuy@mail.house.gov

The Honorable Mike Quigley
Co-Chair of the Congressional Ukraine Caucus
2078 Rayburn House Office Building
Washington, DC 20515
Allison Jarus (Chief of Staff for Mike Quigley): allison.jarus@mail.house.gov

The Honorable Brian Fitzpatrick
Co-Chair of the Congressional Ukraine Caucus
271 Cannon House Office Building
Washington, DC 20515
Joseph Knowles (Chief of Staff for Brian Fitzpatrick): joseph.knowles@mail.house.gov

Re: Response to Letter from the Congressional Ukraine Caucus Concerning Dmytro Firtash

Dear Honorable Representatives:

I am an attorney for Ukrainian businessman Dmytro Firtash, and I am responding to the June 22, 2021 letter your offices wrote to Secretary of State Antony Blinken and Attorney General Merrick Garland about Mr. Firtash. As my colleague Dan Webb, highly respected former Chicago U.S. Attorney, and I have already stated: we have long believed, based on the facts and the law, that the indictment against Mr. Firtash lacks sufficient alleged facts supporting any criminal offense by Mr. Firtash.

I am someone you probably know has been involved for many years in support of fact-reporting, which is the opposite of innuendo-without-fact reporting, and for many years active in support of due process of law and the presumption of innocence under our Constitution. I am certain the four of you are as well.

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My opening request is that you test that standard of fact-based assertions against the standard your letter to Secretary Blinken and Attorney General Garland used, which was to cite to Internet stories that are all innuendo and no facts. So while I appreciate that you took the effort to find citations online, that does not make them fact. The four of you know this better than most, since you must have been subject, at one point or another, to innuendo journalism about yourselves that lacked facts to support it.

We were not sent a copy of the above-referenced letter but called a reporter who had a copy and he sent it to us. In the future, sending a copy to the person you are accusing ahead of time to give him or her an opportunity to reply or at least posting the letter online would be, respectfully, a fairer approach.

I am attaching a copy of a reply from Mr. Firtash's Austrian lawyer to your assertion of corruption in the Austrian justice system underlying the Austrian delay in agreeing to the extradition of Mr. Firtash. I hope you will read this reply and understand that Austria's transparent commitment to due process was demonstrated in Mr. Firtash's extradition hearing – and, so far, nowhere else. I attended that hearing on April 30, 2015, and I can assure you that under the law and the facts, Judge Bauer's over 180 page decision ruling against the U.S. government's extradition request was based on due process, on the facts, and on the words of the U.S. - Austria extradition treaty.

Yet your letter accuses my client of corrupting and subverting the Austrian legal system through his "considerable wealth and malign influence." Such a statement is both completely false and an insult to a fellow western democracy's legal system and rule of law. Your letter does not reference any evidence you have for this extraordinary claim, and the facts of Mr. Firtash's indictment and subsequent extradition proceedings prove the opposite.

As you will note from the Austrian attorney letter, Austria is a democracy and operates with the same rules of transparency and due process of law as the United States of America. In fact, the only due process that has yet occurred in Mr. Firtash's case over all these years of unsubstantiated and false accusations occurred in an Austrian courtroom on April 30, 2015.

We ask that you correct this inaccurate charge about Austria's legal system and withdraw it. We also ask that you members of the U.S. government, which cherishes and preaches our own robust system of due process, rule of law, and the presumption of innocence, apply these principles in practice. Mr. Firtash denies all your inaccurate and non-fact-based allegations in your letter about his ever having done anything illegal or corrupt.

I am copying this letter to Secretary Blinken and Attorney General Garland so that they will know that the assertions made in your letter, despite the multiple citations to false reports that probably were a result of Google searches by your staff, are just as or more inaccurate. Your math teacher taught you that no matter how high the number, if you multiply it by zero the answer is still zero. So it goes with repeated false assertions on the

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Internet, even among mainstream media. If those reports are not based on facts and the truth, repeated false reporting doesn't make them any more true.

We are confident that upon learning the facts surrounding Mr. Firtash's charges, indictment, and attempted extradition, you will agree that the presumption of innocence should apply. We ask that you resist the temptation, which is shared by many in the media, to promote evidence-free innuendo and instead let our trusted principles of due process and rule of law run their course.

Especially to the Honorable Rep. Kaptur, whom I have admired and supported for many years: Please let me know if you would speak to me on the telephone on the overall issue of Ukraine, as well as about Mr. Firtash. On the eve of President Zelensky's visit to President Biden, I hope you will allow me to inform you about Mr. Firtash's true position, for many years, regarding an independent, democratic, and strong Ukraine, free from Russian aggression and occupation and with strong relations with the U.S. My cell number is 202-744-2792. Please ask your staff to call me, if you would be so willing, so that we can make an appointment to talk.

Regards,

Lanny



Lanny J. Davis
Founder and Partner
1120 20th Street NW
Suite 700 North
Washington, D.C. 20036
202-744-2792

CC:

Secretary Antony Blinken
U.S. Department of State
2201 C St NW
Washington, DC 20520

Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

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Rechtsanwalts | GmbH

Davis Goldberg Galper PLLC
Lanny Davis, Esq.

1120 20th St. NW, Suite 700 North
Washington, D.C. 20036
U.S.A.

BY EMAIL: ldavis@dggpllc.com

June 23, 2021

Re: Dmytro Firtash
Congressional letter to Secretary of State Antony Blinken and Attorney General Merrick Garland from Marcy Kaptur, Mike Quigley, Brian Fitzpatrick, and Andy Harris

Dear Mr. Davis:

I noted with regret the reference in a letter written by members of congress to “corruption” in the judicial system in Austria regarding the Firtash extradition case.

Please remind the US members of congress of the following:

- 1) Austria is a democracy and operates with the same rules of transparency and due process of law as the United States of America.
- 2) The only due process that has yet occurred in the Firtash case over all these years of unsubstantiated and false accusations occurred in an Austrian courtroom on April 30, 2015. This extensive court hearing over a full day of reviewing “evidence” submitted by the government (representing the United States Government’s views that Mr. Firtash should be extradited) and Mr. Firtash’s defense and the interrogation of six witnesses, resulted in a judicial written decision, over 180 pages in length, denying extradition. The letter by the members of congress ignored this.

DIETRICH Rechtsanwalts GmbH

in cooperation with **ROXIN RECHTSANWÄLTE Part mbB**

PHONE: +43 1 361 99 44

FAX: +43 1 361 99 44 99

e-mail: office@roxin.at

BANKING: UniCredit Bank Austria AG, No. 515 881 305 45 (BLZ 12000) UID: ATU 67042327 DVR 4007915 FN 375755g

Operngasse 6, A – 1010 Vienna, Austria

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To suggest corruption in Austrian courts, therefore, is not only factually inaccurate – it is an insult to our judicial system. To say that the Austrian legal system was subverted by Mr. Firtash is a false accusation and a vilification of the Republic of Austria, both constituting offences under Austrian criminal law.

I ask that you ask the US members of congress to correct this inaccurate charge and to withdraw it.

Sincerely,



DIETRICH Rechtsanwalts GmbH
Otto Dietrich

Attorney for Mr. Firtash